

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TYCO HEALTHCARE GROUP LP

Plaintiff,

v.

MEDICAL PRODUCTS, INC.

Defendant.

Civil Action No. 1:04-CV-11524-DPW

**ASSENTED TO MOTION FOR LEAVE TO FILE MEMORANDUM IN
OPPOSITION TO DEFENDANT'S MOTION FOR SUPPLEMENTAL
PROTECTIVE ORDER AND IN REPLY TO DEFENDANT'S
OPPOSITION TO MOTION TO COMPEL**

Plaintiff Tyco Healthcare Group LP (“Tyco Healthcare”) moves pursuant to Local Rule 7.1(B) for leave to file the accompanying Memorandum in Opposition to Defendant’s Motion for Supplemental Protective Order and in Reply to Defendant’s Opposition to Motion to Compel. Counsel for Defendant Medical Products, Inc. (“MPI”) has assented to this motion.

Tyco Healthcare has moved for an order compelling MPI to produce non-redacted documents concerning sales by MPI of medical syringes and other products that it purchased from Tyco Healthcare under a Rebate Contract. In response, MPI filed a Memorandum in Opposition to Tyco Healthcare’s motion, and moved for a supplemental protective order, claiming that the requested information was protected by a trade secret privilege. MPI also filed a Supplemental Affidavit of Eddie McCafferty and an Affidavit of Michael Galvin, MPI’s counsel.

In order to address several of the points raised by MPI, to respond to MPI's motion for supplemental protective order, and to provide the Court with the Affidavit of Patrick McGrath concerning Tyco Healthcare's Rebate Policy, as well as deposition testimony of Eddie McCafferty, now that a transcript has been completed, Tyco Healthcare respectfully requests leave to file its Memorandum in Opposition to MPI's Motion for Protective Order and in Reply to MPI's Opposition to Tyco Healthcare's Motion to Compel.

Respectfully submitted,

TYCO HEALTHCARE GROUP LP

By its attorneys:

/s/ Jeffrey D. Clements

Jeffrey D. Clements, BBO #632544
Ben T. Clements, BBO #555802
Clements & Clements LLP
50 Federal Street
Boston, MA 02110
(617) 451-1802

Dated: February 8, 2005

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

I, Jeffrey D. Clements, hereby certify that I have conferred with Michael Galvin, counsel for Defendant Medical Products, Inc., and confirmed that Defendant assents to this motion.

/s/ Jeffrey D. Clements

CERTIFICATE OF SERVICE

I, Jeffrey D. Clements, hereby certify that a copy of the foregoing document was served electronically and by first class mail to counsel of record for the defendant on February 8, 2005.

/s/ Jeffrey D. Clements
